

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER COSTA, M.D.,)	4:05CV3248
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
MICHAEL O. LEAVITT, Secretary,)	
U.S. Department of Health and Human)	
Services, and his Successors; UNITED)	
STATES DEPARTMENT OF HEALTH)	
AND HUMAN SERVICES; and the)	
NATIONAL PRACTITIONER DATA)	
BANK, an Entity of and Run by the)	
U.S. Department of Health and Human)	
Services,)	
)	
Defendants.)	

This matter is before the court upon Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (Filing 44.) Plaintiff requests fees in the total amount of \$7,093.50, which represents 51.2 hours of work by his primary attorney, Sally Rasmussen, at an hourly rate of \$125.00, and 7.3 hours of work by Ms. Rasmussen's associates, at an hourly rate of \$95.00. Defendant has not responded to Plaintiff's application.

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Secretary's decision was set aside and corrective action was ordered; that the application for fees was filed in a timely fashion; and that the position of the Defendants was not substantially justified. Plaintiff therefore is entitled to an award of reasonable attorney fees.

Accordingly,

IT IS ORDERED that:

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (filing 44) is granted.

2. By separate document, the court shall enter judgment for Plaintiff and against Defendants, providing that Plaintiff is awarded attorney fees of \$7,093.50.

September 7, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge